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July 14, 2004

Federal Communications Commission
Office of Secretary

DAVID A. O'CONNOR
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VIA HAND DELIVERY

Marlene H. Dortch, Esq., Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554
Attention: Audio Division, Media Bureau

Re: Amendment of Section 73.202(b), Table of Allotments,
FM Broadcast Stations, Channel 280C, Toquerville, Utah
***Opposition to Motion to Accept Supplemental Comments and
Motion to Strike***, MB Docket No. 04-134, RM-10948

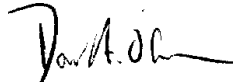
Dear Ms. Dortch:

Transmitted herewith, on behalf of Calvary Chapel of St. George, are an original and four (4) copies of its "Opposition to Motion to Accept Supplemental Comments and Motion to Strike," which is being filed in the above-captioned proceeding.

An extra copy of the filing is enclosed. Please date-stamp the extra copy and return it to the courier. Should you have any questions about this matter, please contact the undersigned.

Respectfully submitted,

HOLLAND & KNIGHT LLP



David A. O'Connor
Counsel for Calvary Chapel of St. George

Enclosure

cc: Rolanda F. Smith, Audio Division

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)	
Amendment of Section 73.202(b),)	MB Docket No. 04-134
Table of Allotments,)	RM-10948
FM Broadcast Stations.)	
(Toquerville, Utah))	

To: Secretary, FCC
Attn: Chief, Audio Division, Media Bureau

**OPPOSITION TO MOTION TO ACCEPT
SUPPLEMENTAL COMMENTS AND MOTION TO STRIKE**

Calvary Chapel of St. George ("CCSG"), by its counsel and pursuant to Section 1.41 of the Commission's rules, 47 C.F.R. § 1.41, hereby opposes the procedurally infirm "Supplemental Comments" filed by Bonneville International Corporation ("Bonneville") and moves to strike Bonneville's untimely and unauthorized pleadings in this proceeding.¹

Under Section 1.405 of the Commission's Rules, pleadings filed in response to a Petition for Rulemaking are limited to statements in support of or in opposition to the petition, and replies to those statements. 47 C.F.R. § 1.405(a)-(b). No additional pleadings may be filed unless specifically requested by the Commission or authorized by it. *Id.* § 1.405(c); *see Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Barre and Montpelier, Vermont), Report and Order*, 2 FCC Rcd 4670, n. 7 (1987) (late-filed documents not accepted for consideration in accordance with Section 1.405(c)); *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hazlehurst, Utica and Vicksburg, Mississippi), Report and Order*, 9 FCC Rcd 6439 n.5 (1996).

¹ Supplemental Comments of Bonneville International Corporation, MB Docket No. 04-134 (filed July 9, 2004) ("Supplemental Comments"). Bonneville also filed a Motion to Accept Supplemental Comments, which CCSG similarly opposes.

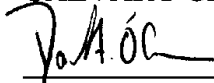
In this case, the Commission has neither authorized nor requested Bonneville's supplemental comments. The deadline for filing statements in opposition to the petition has long since past, and therefore Bonneville's Supplemental Comments should be summarily dismissed without any consideration of their contents.

Bonneville's assertion that it "did not have an opportunity to review and address" CCSG's Reply Comments because those Reply Comments were filed on "the last day for filing reply comments in this proceeding"² does not justify acceptance of the Supplemental Comments. Simply because a party waits until the last permissible day does not provide another party with justification for filing an unauthorized and untimely pleading. The Bureau routinely dismisses untimely supplements such as Bonneville's, and it should do so here.

In any event, it is *undisputed* that Bonneville lacks standing to contest this proposed reservation. Accordingly, the Bureau should dismiss or deny Bonneville's Opposition and untimely subsequent pleadings because Bonneville is not a real party in interest in this proceeding. CCSG reiterates that the Commission has sufficient justification before it for reserving Channel 280C at Toquerville, Utah for noncommercial educational FM use.

Respectfully submitted,

CALVARY CHAPEL OF ST. GEORGE



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Its Attorney

July 14, 2004


² Bonneville Motion at 1.

CERTIFICATE OF SERVICE

I, Laura Ledet, an employee of Holland & Knight LLP, hereby certify that on July 14, 2004, I caused a copy of the foregoing "Opposition to Motion to Accept Supplemental Comments and Motion to Strike" to be sent, via first-class mail, to the following individuals:

J. Talmage Ball
Vice President Broadcast Engineering
Bonneville Broadcasting Corporation
55 North 300 West
Salt Lake City, UT 84110

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Laura Ledet